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jc604 U.S. PTO  
05/17/99

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 29473/35635

**PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53**

**Box Patent Application**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

jc530 U.S. PTO  
09/31/92  
05/17/99

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Hans REICHENBACH, Gerhard HOEFLE, Klaus GERTH and Heinrich STEINMETZ

Title: EPOTHILONES C, D, E AND F, PREPARATION AND COMPOSITIONS

**1. Type of Application**

- ☒ This is a new application for a
  - ☒ utility patent.
  - ☐ design patent.

**2. Application Papers Enclosed**

- 1 Title Page
- 17 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)
- 5 Pages of Claims
- 1 Pages of Abstract
- 4 Sheets of Drawings (Figs. 1 to 5)
  - ☐ Formal
  - ☒ Informal

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **May 17, 1999**, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EM099538212US.

  
Richard Zimmermann

00343544 00343544

**3. Declaration or Oath**

- ☐ Enclosed
  - ☐ Executed by (check all applicable boxes)
    - ☐ Inventor(s)
    - ☐ Legal representative of inventor(s)  
(37 CFR 1.42 or 1.43)
    - ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
      - ☐ The petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 are enclosed. See Item 5D below for fee.
- ☒ Not enclosed - the undersigned attorney or agent is authorized to file this application on behalf of the applicant(s). An executed declaration will follow.

**4. Additional Papers Enclosed**

- ☒ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☒ Declaration of Biological Deposit
- ☐ Computer readable copy of sequence listing containing nucleotide and/or amino acid sequence
- ☐ Microfiche computer program
- ☐ Verified statement(s) claiming small entity status under 37 CFR 1.9 and 1.27
- ☐ Associate Power of Attorney
- ☐ Verified translation of a non-English patent application
- ☐ An assignment of the invention
- ☒ Return receipt postcard
- ☐ Other

5. **Priority Applications Under 35 USC 119**

Certified copies of applications from which priority under 35 USC 119 is claimed are listed below and

☐ are attached.

☒ will follow.

| COUNTRY | APPLICATION NO. | FILED            |
|---------|-----------------|------------------|
| Germany | 196 47 580.5    | 18 November 1996 |
| Germany | 197 07 506.1    | 26 February 1997 |
|         |                 |                  |

6. **Filing Fee Calculation (37 CFR 1.16)**

A. ☒ **Utility Application**

| CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)              |           |           |              |          |                           |          |
|---|-----------|-----------|--------------|----------|---------------------------|----------|
|   |           |           | SMALL ENTITY |          | OTHER THAN A SMALL ENTITY |          |
|   | NO. FILED | NO. EXTRA | RATE         | FEE      | RATE                      | FEE      |
| BASIC FEE   |           |           |              | \$380.00 |                           | \$760.00 |
| TOTAL   | 16 -20    | = 0       | X 9 =        |          | X 18 =                    |          |
| INDEP.  | 10 - 3    | = 7       | X 39 =       |          | X 78 =                    | 546.00   |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim |           |           | + 130 =      |          | + 260 =                   |          |
| Filing Fee:   |           |           |              |          | <b>OR</b>                 | 1,306.00 |

B. ☐ **Design Application (\$155.00/\$310.00)** Filing Fee: \$ \_\_\_\_\_

C. ☐ **Plant Application (\$240.00/\$480.00)** Filing Fee: \$ \_\_\_\_\_

D. **Other Fees**

☐ Recording Assignment [Fee -- \$40.00 per assignment] \$ \_\_\_\_\_

☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached [Fee -- \$130.00] \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

**Total Fees Enclosed \$1,306.00**

2025 10 10 10:10:10

7. **Method of Payment of Fees**

- ☒ Enclosed check in the amount of: \$1,306.00
- ☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.
- ☐ Not enclosed

8. **Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

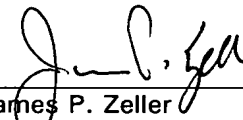
Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Please direct all future communications to James P. Zeller, at the address below.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,  
MURRAY & BORUN  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6402  
(312) 474-6300  
(312) 474-0448 (Telefacsimile)

By:

  
James P. Zeller  
Reg. No: 28,491

May 17, 1999

60250-75260

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Gesellschaft für  
Biotechnologische  
Forschung mbH  
Mascheroder Weg 1  
3300 Braunschweig



VIABILITY STATEMENT  
issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

|  |  |   |  |
|--|--|---|--|
| <b>I. DEPOSITOR</b>  |  | <b>II. IDENTIFICATION OF THE MICROORGANISM</b>  |  |
| Name: Gesellschaft für<br>Biotechnologische<br>Forschung mbH<br>Address: Mascheroder Weg 1<br>3300 Braunschweig  |  | Accession number given by the<br>INTERNATIONAL DEPOSITARY AUTHORITY:<br><br>DSM 6773<br><br>Date of the deposit or of the transfer <sup>1</sup> :<br><br>1991-10-28                   |  |
| <b>III. VIABILITY STATEMENT</b>  |  |   |  |
| The viability of the microorganism identified under II above was tested on 1991-10-28 . <sup>2</sup><br>On that date, the said microorganism was<br><br>( X ) <sup>3</sup> viable<br>( ) <sup>3</sup> no longer viable |  |   |  |
| <b>IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED<sup>4</sup></b>  |  |   |  |
|  |  |   |  |
| <b>IV. INTERNATIONAL DEPOSITARY AUTHORITY</b>  |  |   |  |
| Name: DSM DEUTSCHE SAMMLUNG VON<br>MIKROORGANISMEN UND ZELLKULTUREN GmbH<br>Address: Mascheroder Weg 1 B<br>D-3300 Braunschweig  |  | Signature(s) of person(s) having the power<br>to represent the International Depositary Authority<br>or of authorized official(s):<br><br><i>Dagmar Weber</i><br><br>Date: 1991-11-05 |  |

<sup>1</sup> Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

<sup>2</sup> In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

<sup>3</sup> Mark with a cross the applicable box.

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Gesellschaft für  
Biotechnologische  
Forschung mbH  
Mascheroder Weg 1  
3300 Braunschweig

JC530 U.S. PTO

09/313524



05/17/99

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR

So ce 90

Accession number given by the  
INTERNATIONAL DEPOSITARY AUTHORITY:

DSM 6773

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

- ( ) a scientific description  
( X ) a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts this microorganism identified under I. above, which was received by it  
on 1991-10-28 (Date of original deposit)<sup>1</sup>

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary Authority on  
(date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was  
received by it on (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: DSM-DEUTSCHE SAMMLUNG VON  
MIKROORGANISMEN UND ZELLKULTUREN GmbH

Address: Mascheroder Weg 1 B  
D-3300 Braunschweig

Signature(s) of person(s) having the power  
to represent the International Depositary Authority  
or of authorized official(s):

*Dagmar Tittel*

Date: 1991-11-05

<sup>1</sup> Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.